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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,483

11/25/2003

Pekka Vallittu

STICK-001-A

4364

32954

7590

09/06/2006

JAMES C. LYDON

100 DAINGERFIELD ROAD

SUITE 100

ALEXANDRIA, VA 22314

EXAMINER

BUMGARNER, MELBA N

ART UNIT

PAPER NUMBER

3732

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/720,483

Applicant(s)

VALLITTU ET AL.

Examiner

Melba Bumgarner

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-24 is/are pending in the application.
- 4a) Of the above claim(s) 17-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/25/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I, claims 11-16 is acknowledged. The traversal is on the ground(s) that thorough search of the device would include methods for manufacturing of the device. This is not found persuasive because the process and intermediate products used in the process of manufacturing the article of groups I and II are not sought in searching for the article. The article can be made using different processes. The requirement is still deemed proper and is therefore made FINAL.

Applicant has elected the species of the dental device illustrated in figure 1. Elected claims 11-16 read on the elected species, with claims 11-14 being generic.

2. Claims 17-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected invention and species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Recitation of “the bottom surface”, “the part of surface”, “the necessary initiators”, “the curing step in the use of the device”, and “the solid body or bodies” lack sufficient antecedent basis.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Karmaker et al. (6,186,790). Karmaker et al. disclose a method for manufacturing a dental device for use in construction of a finished appliance, the device comprising a solid prefabricated body (column 5 line 37) and a shapable prepreg comprising fibers and a resinous matrix comprising a polymerizable monomer (column 4 line 14), the method comprising the step of contacting the body with the prepreg (column 6 line 2). Patentable weight is not given to the optional step of the method. Karmaker et al. show surface of the solid body, which is contacted with the prepreg (column 7 line 49), has been chemically or mechanically pre-treated (column 7 line 46). The prepreg comprises a curable polymer (column 3 line 62). The prepreg comprises initiators (column 3 line 64).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karmaker et al. in view of Dragan (5,676,543). Karmaker et al. discloses a method that shows the limitations as described above and the body or bodies placed in impressions made of a mold after which the prepreg and mold are pressed toward each other so that the body or bodies are pressed in the prepreg (figure 4); however, Karmaker et al. do not show the material of the mold. Dragan teaches a dental method including impressions made in a mold of silicone (column 3 line 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the material of the mold of Dragan in order to use material that is moldable and quick to set in reproducing the shape of the tooth in view of Dragan.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karmaker et al. Karmaker et al. discloses a method that shows the limitations as described above; however, Karmaker et al. do not show the mold retained around the device. It would have been obvious to one of ordinary skill in the art as to whether the device is released from or retained with the mold before use.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Benkoczy (5,698,055) and Billet et al. (6,244,869) are cited to show the state of the art with respect to the use of a protecting tape on the prepreg and method for manufacturing of a dental device, respectively.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melba Bumgarner whose telephone number is 571-272-4709. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached at 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script that reads "Melba Bumgarner".

Melba Bumgarner  
Primary Examiner